

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting Minutes
Professional Licensing Boards, 237 Coliseum Drive, Macon, GA
January 14, 2015 * 10:00 a.m.

The Georgia State Board of Optometry met on Wednesday, January 14, 2015, at 237 Coliseum Drive, Macon, Georgia with the following members participating:

Board Members Present:

Robert McCullough, O.D.
Jerry Prchal, O.D.
Jody Whisenant, O.D.
Larry Brown, O.D.
Karen Canupp, O.D.

Board Member Absent:

Betty Ann Lindsey, Consumer Member

Staff Present

Brig Zimmerman, Executive Director
Stacey Mitchell, Board Support Specialist

Attorney General's Office

Wylencia Monroe, Esq., Asst. Attorney General

Dr. McCullough established a quorum was present and called the meeting to order at 10:05 a.m.

Agenda: Approved as presented with late agenda items:

- CE Provider Application – Steven M. Wilson
- Officer Elections for 2015 – End of today's meeting
- Pharmacy question – K. Canupp
- Cosmetic/Color Contact Lens Sales – Update, L. Brown

Meeting Minutes:

- October 22, 2014
- November 20, 2014 Conference Call

Dr. Prchal moved, Dr. Brown seconded, and the Board voted to approve the October 22, 2014 and November 20, 2014 open session meeting minutes as presented. None opposed, motion carried.

Board Chair Report: Yield the Floor to the Late Agenda Items:

- CE Pre-Approval Request – Jurisprudence Course, Dr. S. Wilson

Following discussion, Board agreed to approve the course as presented under the following terms and conditions:

- 1 Hour Credit; this approval for this one date/time only (March 2015). Must reapply for consideration of any future courses;
- Disclaimer MUST state: Presenter is not an attorney, nor a Board member;
- A Board member may audit the presentation in March, and should not be charged a fee.
- Pharmacist turned down a prescription written by an Optometrist for Hydrocodone; Prescription was for 4 tablets, for a 48 hour period pursuant to the law, O.C.G.A. 43-30-1(D)(i)(III).

- Sales of Decorative/Colored Contact Lens - Dr. Larry Brown

Dr. Larry Brown met with the chairman of the Dispensing Opticians board Diane Drake. He met with the full board on November 19, 2014 via conference call. Dr. Brown and Diane Drake met with the Cosmetology Board during their December 15, 2014 board meeting and provided documentation for the board to review regarding the illegal sale of decorative contact lenses. The cosmetology board may authorize the optometry board to post a memo on the cosmetology section of the website regarding the sale of decorative contact lens being illegal. Dr. Brown will contact the Department of Revenue to schedule a meeting to discuss the illegal sale of decorative contact lens.

Executive Director's Report:

- **Item Writing Workshop – For Jurisprudence (Laws & Rules) Exam** update:
This is currently in the works. Board members interested in participating in webinar training on how to conduct an independent review of the current items will be notified as soon as all arrangements have been made with vendor.

Rules Discussion - Proposed Amendments:

Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.

- **430-2-.06 To Reactivate an Inactive License. Repeal**

~~Should a Doctor of Optometry holding an inactive license choose to return to active practice the following requirements must be met:~~

- ~~(a) The Doctor of Optometry must submit evidence of attendance at 10 hours of Board-approved continuing education for each year or portion of year in which his/her license has been inactive. In no event will the required number of hours exceed fifty. These hours must be completed during a six month period preceding reactivation of the license;~~
- ~~(b) An administrative fee of \$50 in addition to the applicable renewal fee for the period in which the license is reactivated must be paid.~~

AUTHORITY PROVIDED: O.C.G.A. §§ 43-30-4, and 43-30-8

Dr. Brown motioned, Dr. Whisenant seconded, and the Board voted to post the proposed rule repeal of rule 430-2-.06 as presented for the 30-day minimum requirement to be followed by a public rules hearing on the proposed amendment. None Opposed, motion carried.

Dr. Canupp motioned, Dr. Whisenant seconded and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-8, 43-39-13 and 50-13-3.

Additionally, at its meeting January 14, 2015, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6,

43-39-8, 43-39-13 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Optometry.

- **430-2-.09 To Reinstate a Lapsed License. Reinstatement**

~~(1) Any licensee whose license has been administratively revoked for non-renewal for any reason including failure, neglect or refusal to complete the bi-annual re-newal process shall be required to apply for reinstatement of their license. Reinstatement is at the sole discretion of the Board.~~

~~(2) An applicant for re-instatement whose license is revoked by operation of law for failure to renew shall be subject to the application fee as well as penalty fees and accrued renewal fees as established by the Board.~~

~~(3 2) The Board may consider reinstatement of a lapsed license when the following requirements have been met:~~

~~(a) Continuing Education requirements for the one bi-ennium preceding the proposed reinstatement. Reinstatement applications received **within** one (1) year from the last effective date of the licensee shall include evidence of thirty-six (36) continuing education hours in accordance with Board rule 430- 2-.04(5)(a-h), and must have been obtained within two (2) years prior to the date of reinstatement application.~~

~~(b) Reinstatement applications received **after** one (1) year from the last effective date of the license shall include:~~

~~1. Evidence of fifty (50) continuing education hours, thirty-six (36) of which must be in accordance with Board rule 430-2-.04(5)(a-h). The remaining fourteen (14) of the fifty (50) continuing education hours shall be in pharmacology and pathology and shall be obtained in person, and must have been obtained within two (2) years prior to the date of reinstatement application.~~

~~2. In addition, applicants for reinstatement after one year of the last effective date of the license shall register and take and pass the Georgia Laws and Rules exam.~~

~~(b c) Provides documentation of current CPR.~~

~~(e d) Provides evidence of current liability insurance as defined by law.~~

~~(d e) Has met qualifications for scope of practice that includes therapeutics licensure.~~

~~(f) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of optometry or being mentally or physically unable to practice optometry with reasonable skill and safety or for any ground set forth in [O.C.G.A. § 43-1-19](#).~~

~~(g) The Board reserves the authority to require any additional information or documentation necessary to complete the reinstatement application.~~

AUTHORITY PROVIDED: O.C.G.A. §§ 43-1-19, 43-30-4, and 43-30-8

Dr. Brown motioned, Dr. Whisenant seconded, and the Board voted to post the proposed rule amendments to rule 430-2-.09 as presented for the 30-day minimum requirement to be followed by a public rules hearing on the proposed amendment. None Opposed, motion carried.

Dr. Canupp motioned, Dr. Whisenant seconded and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-8, 43-39-13 and 50-13-3.

Additionally, at its meeting January 14, 2015, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-8, 43-39-13 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Optometry.

- **430-5-.01 Treatment Plans, Eye Examinations, and Patient Records.**

(1) All treatments and/or consultations must be done by a Georgia licensed optometrist who has personally and physically seen or examined the patient.

(2) Before diagnosing or prescribing a treatment plan for any patient, including prescriptions for glasses, contact lenses or other optical devices, the following must be met and determined:

(a) case history as related by patient; and

(b) any pathological conditions of the eyes, both external and internal with diagnosis recorded; and

(c) the need for any necessary optometric tests to ascertain the final treatment plan.

(3) A comprehensive eye examination includes an assessment of a patient's history, any general medical observations, an external and ophthalmoscopic examination, an assessment of gross visual field, visual acuity, ocular alignment and motility, refraction, and, binocular vision and accommodation, a diagnosis, if applicable, and a plan of treatment.

(4) The written record of the above determination of each patient examined shall be maintained by the licensed doctor of optometry for a seven (7) years from initiation and be made available to the Board or its authorized agents for inspection at any reasonable time.

Dr. Whisenant motioned, Dr. Canupp seconded, and the Board voted to refer the proposed rule amendments to rule 430-5-.01 as presented to the Attorney General's office for a Memo of Statutory Authority, and to post the proposed amendments for the 30-day minimum requirement upon the receipt of the memo of authority with a public rules hearing date to be set thereafter. None Opposed, motion carried.

Additional Rule Discussion – Action Tabled:

One additional rule, 430-2-.05 Requirements for Inactive License Status, also was discussed and approved for a future posting. Due to the reference to rule 430-2-.09 Reinstatement (see above) in this the proposed rule 430-2-.05(e) noted below, rule 430-2-.09 will need to be adopted first

before 430-2-.05 can be considered. The Board reviewed and approved changes to 430-2-.05 and will address the posting and Public Hearing at a later date.

- **430-2-.05 Requirements for Inactive License Status. Amended.**

~~Doctors of Optometry who have reached their sixty-fifth (65th) birthday or who can provide certification of disability to practice Optometry may request that their license be placed on inactive status under the following provisions:~~

Georgia licensed optometrists may request in writing to the Board that their active license to practice optometry in Georgia be placed in inactive status under the following conditions:

(a) The request must be received prior to the license expiration date to be considered. There is no fee required to request inactive status.

~~(a)~~ b) In the event that a Doctor of Optometry who holds a valid license to practice Optometry in the State of Georgia notifies the Board that he chooses to retire from active practice of the profession, his license shall be considered to be inactive;

~~(b)~~ c) Doctors holding an inactive license shall not engage in the practice of Optometry and shall not hold themselves out to the public as being available to provide optometric services;

~~(c)~~ d) A Doctor of Optometry holding an inactive license shall not be required to obtain the necessary continuing education credits and no renewal fee shall be assessed.

(e) In order to return to the practice of optometry, a reinstatement application for licensure must be submitted to the Board. Refer to Board rule 430-2-.09.

- **Ratify list of licenses issued between meetings - October 16, 2014 to January 6, 2015:**

OPT002844	Brown, Emily Michelle
OPT002845	Khoshooee, Navid Reza
OPT002846	Nwachukwu, Chidinma U
OPT002847	Sims, Calvin Jerrell
OPT002848	Smith-Carpenter, Kathryn Elizabeth
OPT002849	Dasinger, Michael Craig
OPT002850	Thorsen, Bryan Richard
OPT002851	Petrelli, Mark William
OPT002852	Corbett, Seana Marie
OPT002853	Dasinger, Kelley Davis
OPT002854	Patel, Dimple Hasmukh
OPT002855	Seacat, John Mark

Dr. Prchal moved, Dr. Brown seconded, and the Board voted to approve the application ratify list as presented. None opposed, motion carried.

Dr. Canupp moved, Dr. Brown seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2) and 43-1-2(k) to deliberate on application and to review complaints, Executive Session Minutes for October 22nd and November 20th, 2014 meetings, and to receive the Assistant Attorney General's report. Voting in favor of the motion were those present who included Robert McCullough, Karen Canupp, Jerry Prchal, Jody Whisenant and Larry Brown.

Applications: None Presented

Complaints: Cases Recommended for Closure:

- OPT150004
- OPT150007

Plan of Correction – Re-Presented to Board:

OPT130012, OPT140003, OPT140004, OPT140007, AND OPT1400010

Recommendation: Send correspondence specifically referring to rule 430-4-.01(2)(n) and advise that closing statement is incomplete. A revised personal statement is required. Advise in letter that the board will possibly have a scheduled conference call within 30-45 days and the information will be reviewed again.

Attorney General's Report:

A written status and activity report was provided for Board review.

Executive Session Minutes:

- October 22, 2014
- November 20, 2015 Conference Call

At the conclusion of Executive Session on Wednesday, January 14, 2015, the meeting was declared to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

Dr. Prchal moved, Dr. Brown seconded, and the Board voted to approve the administrative staff to respond to V.R.A. as directed by the board. None opposed, motion carried.

Dr. Brown moved, Dr. Whisenant seconded, and the Board voted to accept the Assistant Attorney General's report as presented. None opposed, motion carried.

Dr. Canupp moved, Dr. Brown seconded, and the Board voted to accept the Cognizant report as presented. None opposed, motion carried.

Dr. Brown moved, Dr. Prchal seconded, and the Board voted to approve the October 22, 2014 and November 20, 2014 Executive Session minutes as presented. None opposed, motion carried.

2015 Board Officer Elections:

Jody L. Whisenant – President
Gerald "Jerry" Prchal – Vice-President

Miscellaneous Discussion:

A teleconference meeting will be considered prior to the next scheduled Board meeting April 15, 2015 for the Public Rules Hearing on proposed amendments to Board rules 430-2-.06 and 430-2-.09.

There being no further business for discussion, Dr. Whisenant, motioned, Dr. Brown seconded, and the meeting was adjourned at 12:11 p.m.

Minutes recorded by: Stacey Mitchell, Board Support Specialist, HC1
Minutes reviewed and edited by: Brig Zimmerman, Executive Director, HC 1

DR. ROBERT MCCULLOUGH
Chair

BRIG ZIMMERMAN
Executive Director HC1

These minutes were approved on: **April 15, 2015**